<center>**Remarks**</center>

The above Amendments and these Remarks are in reply to the Office Action mailed April 23, 2008.

I.   Interview Summary

On July 22, 2008, Applicants' attorney conducted an interview with the Examiner to discuss the claim rejections under 35 U.S.C. § 102(e). During the interview, Brown et al. reference and the proposed amendments to Claim 1 were discussed. More specifically, Applicants' attorney described the differences between claim 1 and the Brown reference, as summarized in Section IV below. Examiner proposed that a further search would be performed and that Examiner may contact the Applicants in the event that any amendment(s) would be needed based on the search.

II.   Summary of Examiner's Rejections

Prior to the Office Action mailed April 23, 2008, Claims 1-19, 21-38, 40-60 and 66-70 were pending in the Application. In the Office Action, Claims 1-19, 21-38, 40-60 and 66-70 were rejected under 35 U.S.C. § 102(e) as being anticipated by Brown et al. (U.S. Publication No. 2004/0034694, hereinafter Brown).

III.   Summary of Applicants' Amendment

The present Response amends Claims 1, 10-13, 21, 31-32, 40, 46, 49, 50, 60 and 68; cancels Claims 9, 30 and 45; and adds new Claims 71-72, leaving for the Examiner's present consideration Claims 1-8, 10-19, 21-29, 31-38, 40-44, 46-60 and 66-72. Reconsideration of the Application, as amended, is respectfully requested. Applicants respectfully reserve the right to prosecute any originally presented or canceled claims in a continuing or future application.

IV.   Rejections under 35 U.S.C. § 102(e)

In the Office Action mailed April 23, 2008, Claims 1-19, 21-38, 40-60 and 66-70 were rejected under 35 U.S.C. § 102(e) as being anticipated by Brown et al. (U.S. Publication No. 2004/0034694, hereinafter Brown).

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Claim 1

Claim 1 has been amended to more clearly define the embodiment therein. As amended, Claim 1 currently defines:

> 1.   *A computer implemented method for modifying a list of permitted senders used by electronic mail (email) access control devices, said method comprising:*
> *under control of a sender:*
> *accepting a recipient identifier;*
> *providing sender information along with a petition provider identifier to a recipient, the recipient having an access list of permitted senders associated therewith;*
> *under control of the recipient:*
> *providing the sender information to a petition provider identified by the petition provider identifier;*
> *accepting, by way of a web browser on the recipient, an access list petition request (petition) from the petition provider, said petition being stored in a computer readable storage medium, wherein the petition is transmitted via hypertext transfer protocol (HTTP) as part of an interaction with a web page;*
> *determining whether the petition is acceptable based on at least one of: 1) a sender identity verification method; 2) user input; and 3) third party information; and*
> *modifying said access list of permitted senders of the recipient such that the sender is added to said access list if the petition is determined to be acceptable;*
> *wherein the access list is used to determine whether email from the sender is permitted to reach the recipient.*

As amended, Claim 1 defines a method that allows a recipient to obtain a petition from a petition provider during a standard web browser interaction via HTTP. The process begins by the recipient providing its own identifier to the sender. In return the sender sends the sender's own information to the recipient and also identifies a petition provider (e.g. a separate entity). Once the recipient obtains this information, it sends the sender's information to the petition provider, which generates the petition and provides it to the recipient. The recipient can then check if the petition is acceptable and if it is, the recipient can modify its white list to add the sender to the permitted senders.

One of the advantages of Claim 1 is that the recipient's access list can be updated during a standard web browser session (e.g. via HTTP), without actually sending any emails. For example, the program to check the received petition can be configured as a web browser plug-in.

Since no emails are sent yet, the petition is not subject to be blocked by any email filters of the SMTP protocol or other inconveniences.

The <u>Brown</u> reference teaches the process for blocking unwanted email messages. More specifically, Brown appears to describe a recipient that receives an email and prior to downloading the email, checks the heading and first line of the email to see whether it contains a valid passcode. If the email does contain a valid passcode, the email is downloaded, otherwise the email is treated as unsolicited. However, the Brown reference fails to disclose the features of Claim 1, as amended.

One fundamental difference between Claim 1 and Brown is the fact that Brown performs various steps during email transmission, while Claim 1 defines features which are performed as part of a web browser interaction with a web page via HTTP. In the process defined in Claim 1, no emails are transmitted yet. Rather, during a standard web browser interaction, a petition is received by the recipient. This petition is then evaluated and used to update the access list at the recipient. Brown, on the other hand, only performs its functions at the time of actually receiving the email. For example, in Brown, the email is received and its heading and first line are read, etc. (Brown, par. [0055]). Claim 1, on the other hand, does not require any email transmission and thus the petition is able to avoid any spam filters, etc. of the SMTP (mail) protocol. Therefore, Brown specifically fails to disclose the step of a recipient "accepting, by way of a web browser on the recipient, a petition from the petition provider, wherein the petition is transmitted via hypertext transfer protocol (HTTP) as part of an interaction with a web page," as defined in amended Claim 1.

In addition, Brown is *functionally* different from Claim 1. In Brown, once the sender sends an email to the recipient, the recipient reads only the heading and the first line and the email itself is not downloaded. The heading/first line are checked for a valid passcode before the entire email is downloaded to the client. In Claim 1, on the other hand, it is the recipient that actually initiates the communications by first providing its own identifier to the sender. Then, after receiving the sender's information, the recipient contacts a separate petition provider and sends the sender's info to the petition provider. In return, the recipient receives a petition from the petition provider. The recipient then evaluates the petition and updates its internal access list accordingly.

Therefore, functionally, in Claim 1, *the recipient initiates* the transmissions, where as in Brown, the transmissions are initiated by the *sender*, which sends the email. In Brown, the recipient only appears to perform steps in response to receiving the email.

Furthermore, Brown does not mention that the recipient provides the sender information to any petition provider. For example, the petition provider is a separate entity which generates petitions. No such petition generating entity is described in Brown. In fact, no petition is generated in Brown. Instead, the email is checked to see if it contains a valid passcode in its header. If it does, the email is downloaded, if it does not, the email is treated as unsolicited. There is no disclosure of generating any petition in Brown, and more specifically, no petition is generated as a result of the recipient providing the sender's information to a petition provider, as defined in Claim 1.

In view of the above comments, Applicants respectfully submit that Claim 1, as amended, is neither anticipated by, nor obvious in view of the cited references, and reconsideration thereof is respectfully requested.

Claims 21, 40, 49, 50, 60 and 68

Claims 21, 40, 49, 50, 60 and 68 while independently patentable, recite limitations that, similarly to those described above with respect to Claim 1, are not taught, suggested nor otherwise rendered obvious by the cited references. Reconsideration thereof is respectfully requested.

Claims 2-8, 10-19, 22-29, 31-38, 41-44, 46-48, 51-59, 66-67 and 69-70

Claims 2-8, 10-19, 22-29, 31-38, 41-44, 46-48, 51-59, 66-67 and 69-70 are not addressed separately, but it is respectfully submitted that these claims are allowable as depending from an allowable independent claim, and further in view of the comments provided above. Applicants respectfully submit that Claims 2-8, 10-19, 22-29, 31-38, 41-44, 46-48, 51-59, 66-67 and 69-70 are similarly neither anticipated by, nor obvious in view of the cited references, and reconsideration thereof is respectfully requested.

It is also submitted that these claims also add their own limitations which render them patentable in their own right. Applicants respectfully reserve the right to argue these limitations should it become necessary in the future.

V. **Additional Amendments**

The present Response hereby adds new dependent Claims 71-72. Applicants respectfully submit that the new claims are fully supported by the Specification as filed and that no new matter is being added. Consideration thereof is respectfully requested.

VI. **Conclusion**

In view of the above amendments and remarks, it is respectfully submitted that all of the claims now pending in the subject patent application should be allowable, and reconsideration thereof is respectfully requested. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting issuance of a patent, such as by entry of any Examiner's amendment or otherwise.

The Commissioner is hereby authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

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